

Report Date: December 3, 2008

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 05 2008

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Brian Douglas Sheldon

Case Number: 2:01CR00060-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle

Date of Original Sentence: 10/10/2001

Type of Supervision: Supervised Release

Original Offense: Bank Robbery, 18 U.S.C. §  
2113(a); Armed Bank Robbery, 18 U.S.C. § 2113(a)  
& (d)

Date Supervision Commenced: 04/30/2008

Original Sentence: Prison - 87 Months;  
TSR - 36 Months

Date Supervision Expires: 04/29/2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 21 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 22 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release" on December 3, 2006. He understands the rationale behind this modification. Mr. Sheldon continues to submit to substance abuse testing. To date all test samples provided by Mr. Sheldon have been negative.

Prob 12B

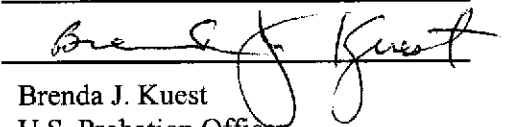
**Re: Sheldon, Brian Douglas**

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12-3-08

  
Brenda J. Kuest  
U.S. Probation Officer

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

December 5, 2008

Date

# United States District Court

Western District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


To modify the conditions of supervision as follows:

- 21 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- 22 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Witness:

  
Brenda J. Kuest  
U.S. Probation Officer

Signed:

  
Brian Sheldon  
Probationer or Supervised Releasee

December 3, 2008

Date